



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERTO RODRIGUEZ,

Plaintiff,

- against -

MOUNT SINAI MORNINGSIDE, et al.

Defendants.
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21-CV-1386 (RWL)

**ORDER
APPROVING SETTLEMENT**

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This case is an action for damages under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* (“FLSA”) and the New York Labor Law. Before the Court is the parties’ joint request that the Court approve their settlement agreement, a fully executed copy of which was submitted on July 12, 2022. A federal court is obligated to determine whether settlement of an FLSA case under the court’s consideration is fair and reasonable and the subject of an arm’s length negotiation, not an employer’s overreaching. See *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court assisted in mediating the settlement of this action and has carefully reviewed the Settlement Agreement as well as the parties’ letter. The Court has taken into account, without limitation, prior proceedings in this action; the attendant risks, burdens, and costs associated with continuing the action; the range of possible recovery; whether the Settlement Agreement is the product of arm’s length bargaining between experienced counsel or parties; the amount of attorney’s fees; and the possibility of fraud or collusion. Among other attributes of the Settlement Agreement, there are no confidentiality restrictions; the non-disparagement provision is mutual and contains

appropriate exceptions; the release is narrowly tailored to wage and hour claims; and the attorneys' fees are within a fair, reasonable, and acceptable range.

The Court does, however, modify the Settlement Agreement as follows: the last sentence of Paragraph 5 – i.e, the “Nothing herein” qualification -- shall also be deemed to apply to Paragraph 6 and 8.

Considering all the circumstances, the Court finds that the Settlement Agreement, with the noted modification, is fair and reasonable and hereby approved. This case, having resolved by settlement, is hereby dismissed and discontinued in its entirety, with prejudice, without costs or fees to any party, except as provided for in the parties' settlement agreement. The Clerk of Court is respectfully requested to terminate all motions and deadlines, and close this case.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written over a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: July 13, 2022
New York, New York

Copies transmitted to all counsel of record.